

REMARKS

In the final Office Action, the Examiner: rejected claims 1, 3, 6, 8, 9, 12, and 14 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,167,383 to Henson ("*Henson*") in view of U.S. Patent No. 7,113,919 to Norris et al. ("*Norris*"), further in view of U.S. Patent No. 6,782,551 to Entwistle ("*Entwistle*"); rejected claim 4 under 35 U.S.C. § 103(a) as being unpatentable over *Henson*, *Norris*, and *Entwistle* in view of U.S. Patent No. 5,974,395 to Bellini ("*Bellini*"); and rejected claim 11 under 35 U.S.C. § 103(a) as being unpatentable over *Henson*, *Norris*, and *Entwistle* in view of U.S. Patent No. 6,188,989 to Kennedy ("*Kennedy*").

By this amendment, Applicant proposes to amend claims 1 and 3. Support for the amendment to independent claim 1 can be found, for example, at ¶ [0070], ¶ [0266], and ¶ [0267] of Applicant's Published Patent Application (No. 2002/0184110). Claims 1 and 3-55 are pending with claims 1, 3, 4, 6, 8, 9, 11, 12, and 14 presented for examination, and claims 5, 7, 10, 13, and 15-55 withdrawn from consideration.

Applicants respectfully traverse the rejection of claims 1, 3, 6, 8, 9, 12, and 14 under 35 U.S.C. § 103(a) as being unpatentable over *Henson*, *Norris*, and *Entwistle*. *Henson*, *Norris*, and *Entwistle* do not teach or suggest the subject matter of the claims.

Amended independent claim 1 recites a commodity selling apparatus for accepting an order of a commodity in response to a customer's request to purchase the commodity over a network, including "related commodity information transmission means for transmitting the proposed order, and a quantity of possible orders, over the network, wherein the quantity of possible orders depends on an inventory of the proposed order." *Henson*, *Norris*, and *Entwistle* fail to teach or suggest at least the claimed "related commodity information transmission means."

Henson discloses online store 10 that is used by a customer to build a computer. *Henson*, col. 6, lines 19-21. The customer uses configuration screen 70 to select options for the computer. *Id.* The options selected by the user remain on the configuration screen 70 after they are selected. *Id.* at Figure 4.

However, *Henson's* configuration screen 70 does not "transmit[] . . . a quantity of possible orders . . . wherein the quantity of possible orders depends on an inventory of the proposed order," as does the "related commodity information transmission means," of claim 1. Instead, *Henson's* configuration screen 70 displays options associated with a computer for purchase, and is silent with respect to the claimed "quantity of possible orders [that] depends on an inventory," as recited in claim 1. For at least these reasons, *Henson* does not teach or suggest the claimed "related commodity information transmission means."

Norris and *Entwistle* fail to cure the deficiencies of *Henson*. *Norris* and *Entwistle* fail to teach or suggest "related commodity information transmission means for transmitting the proposed order, and a quantity of possible orders, over the network, wherein the quantity of possible orders depends on an inventory of the proposed order," as recited in claim 1.

Amended independent claim 1 also recites, "attention instigation transmitting means for transmitting attention instigation information if one of the related commodities from the proposed order includes functionality that is provided by the commodity." On page 4, the Office Action concedes that *Henson* and *Norris* do not teach or suggest the claimed "attention instigation transmitting means," and instead alleges that *Entwistle* discloses the claimed "attention instigation transmitting means."

Entwistle discloses an electronic programming guide (EPG), which keeps track of programming that the user has already viewed. *Entwistle*, col. 4, lines 19-21. When a previously viewed program is subsequently shown again by the broadcaster, the user is notified that he/she has already viewed the program. *Id.* at lines 25-30; item 12, Figure 1B.

Entwistle's user notification does not teach or suggest the claimed "attention instigation transmitting means," at least because *Entwistle*'s previously aired program, and subsequently aired program do not correspond to the claimed "one of the related commodities" and "commodity," respectively. *Entwistle*'s previously aired program does not include anything, much less "functionality," because it occurred in the past. Accordingly, *Entwistle* does not teach or suggest "transmitting attention instigation information if one of the related commodities . . . includes functionality that is provided by the commodity," as recited in claim 1 (emphasis added).

For at least these reasons, *Henson*, *Norris*, and *Entwistle*, even if combined as suggested by the Examiner, fail to teach or suggest the subject matter of claim 1. Claims 3, 6, 8, 9, 12, and 14 depend from claim 1.

Applicant respectfully traverses the rejection of claim 4 under 35 U.S.C. § 103(a) as being unpatentable over *Henson*, *Norris*, and *Entwistle* in view of *Bellini*. Claim 4 depends from claim 1 and requires all recitations therein. As discussed previously, *Henson*, *Norris*, and *Entwistle* fail to teach or suggest the subject matter of claim 1.

Bellini fails to cure the deficiencies of *Henson*, *Norris*, and *Entwistle*. *Bellini* fails to teach or suggest "related commodity information transmission means for transmitting the proposed order, and a quantity of possible orders, over the network, wherein the

quantity of possible orders depends on an inventory of the proposed order,” or “attention instigation transmitting means for transmitting attention instigation information if one of the related commodities from the proposed order includes functionality that is provided by the commodity,” as recited in claim 1. Accordingly, *Henson, Norris, Entwistle*, and *Bellini* fail to teach or suggest the subject matter of claim 4.

Applicant respectfully traverses the rejection of claim 11 under 35 U.S.C. § 103(a) as being unpatentable over *Henson, Norris*, and *Entwistle* in view of *Kennedy*. Claim 11 depends from claim 1 and requires all recitations therein. As discussed previously, *Henson*, *Norris*, and *Entwistle* fail to teach or suggest the subject matter of claim 1.

Kennedy fails to cure the deficiencies of *Henson, Norris* and *Entwistle*. *Kennedy* fails to disclose or suggest “related commodity information transmission means for transmitting the proposed order, and a quantity of possible orders, over the network, wherein the quantity of possible orders depends on an inventory of the proposed order,” or “attention instigation transmitting means for transmitting attention instigation information if one of the related commodities from the proposed order includes functionality that is provided by the commodity,” as recited in claim 1. Accordingly, *Henson, Norris, Entwistle*, and *Kennedy* fail to teach or suggest the subject matter of claim 11.

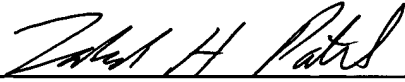
In view of the foregoing, Applicant respectfully requests entry of this amendment after final, reconsideration of this application, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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